

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RUSSELL MARTIN,)	
)	
Plaintiff,)	CV. NO. SA-11-CV-00768-DAE
)	
vs.)	
)	
CITY OF SAN ANTONIO,)	
)	
Defendant.)	

ORDER DENYING WITHOUT PREJUDICE PARTIES' CROSS-MOTIONS
FOR SUMMARY JUDGMENT

On May 28, 2013, the Court heard Plaintiff Russell Martin's Motion for Summary Judgment (doc. # 30) and Defendant City of San Antonio's Cross-Motion for Summary Judgment (doc. # 32). On June 3, 2013, the parties filed a joint Advisory Regarding Alternative Dispute Resolution, which stated that the parties wished to explore alternative dispute resolution and asked the Court not to rule on their cross-motions until after the parties had engaged in mediation. (Doc. # 52.) On July 25, the parties filed a Joint Status Report, which states that the parties have engaged in mediation and reached a settlement agreement. (Doc. # 53.) The Settlement Agreement has been approved by the City Attorney, the City Manager, and the City's Risk Management Division, but must also be approved by the City Council. (Id.) The parties indicate that this matter cannot be

presented to the City Council for approval until September, and therefore ask that the matter be held in abeyance until October 15, 2013. (Id.)

The Court **DENIES WITHOUT PREJUDICE** the parties' cross-motions (docs. ## 30, 32) pending the Settlement Agreement's presentation to the City Council. If the Settlement Agreement is not approved by the City Council, the Court will automatically reinstate the parties' cross-motions and issue a written ruling.

IT IS SO ORDERED.

DATED: San Antonio, Texas, July 29, 2013.

A handwritten signature in black ink, appearing to read 'David Alan Ezra', is written over a horizontal line. The signature is stylized with a large, looped 'D' and a long, sweeping horizontal stroke at the end.

David Alan Ezra
Senior United States District Judge